## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, et al.,

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Plaintiffs, :

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v. : CIVIL ACTION NO. : 1:17-CV-2989-AT

BRIAN KEMP, et al.,

:

Defendants. :

## **ORDER**

On September 11, 2017, counsel for Representative Karen Handel filed a Special Appearance of Karen C. Handel in this matter. (Doc. 64.) Within this filing, Representative Handel's counsel asks the Court for an extension to file a responsive pleading to Plaintiffs' amended complaint. Currently, Plaintiffs' amended complaint is due today, September 15, 2017, and Defendants' responsive pleadings are due by September 29, 2017. Representative Handel's counsel seeks to file a response by October 5th instead of September 29th. Counsel claims good cause for this request because Representative Handel has not yet been served with a federal court summons or complaint since this case was removed here. Counsel represents that Representative Handel has only been served with a summons and complaint in the state-court action before this case was removed.

It is certainly troublesome that Representative Handel has not yet been

served in this case. Plaintiffs' counsel emailed the Court and all parties on August

22, 2017, stating that "[e]fforts to serve [Representative Handel] by sheriff and to

work out a waiver of service with her attorney remain ongoing." (Email from

Bryan Ward to the Court on August 22, 2017 at 12:47 P.M.) Assuming that

Representative Handel maintains that she still has not been served, the Court

DIRECTS her counsel to notify the Court no later than September 18, 2017 if

Representative Handel (or counsel on her behalf) will accept service. The Court

strongly urges Representative Handel to accept service. It is not in the public

interest to refuse to accept service, given the need for timely resolution of this

litigation and the tight litigation schedule established for this case.

If Representative Handel's counsel notifies the Court on September 18th

that this service issue has been resolved, the Court will grant Representative

Handel an extension to respond to the amended complaint no later than October

2, 2017.

IT IS SO ORDERED this 15th day of September, 2017.

Amy Totenberg

**United States District Judge** 

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